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09/898,379

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kovar et al.

Serial No.: 09/898,379

Group Art Unit: 2633

Filed: 7/5/2001

Examiner: DZUNG D. TRAN

Title: *Optical Modulator and Method for Polarization Bit Interleaving*STATEMENT

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I was an employee at Lacasse & Associates, LLC from April 15, 2002 to January 11, 2005. I began employment as a Patent Secretary, and after a year and a half of employment, I was promoted to Assistant Manager of Administrative Services in October 2003. During my time as Assistant Manager of Administrative Services, one of my duties was to enter data from USPTO correspondence into the CTS case tracking software and review the reminders for each administrative staff person as well as all of the patent agents every two weeks.

During my employment as a Patent Secretary and later as Assistant Manager of Administrative Services, I was trained by LaRieko Welch on the following procedure for handling incoming USPTO correspondence:

After opening all incoming mail from the United States Patent and Trademark Office, the proper procedure for docketing incoming USPTO correspondence, specifically office actions, is as follows: (1) Log into CTS (our case management software); (2) while in CTS, search for our docket number by typing in the U.S. application number in the search form; (3) write our docket number on the envelope or a post-it note and attach it to the corresponding USPTO correspondence; (4) retrieve the file wrapper of the corresponding file from our record room; (5) write the mailing date

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of the office action on the front cover of the file wrapper; (6) return to CTS and access the office action screen of the corresponding case; (7) enter the mailing date from the front page of the office action into the "mailing date" field of the office action screen; (8) upon entering the mailing date at the office action screen, the software will prompt the user to enter the mailing date again in order to confirm the accuracy of the entry; (9) after entering the mailing date to confirm accuracy, the software generates two dates -- (a) the "Date Due", which is three months from the mailing date of the office action (two months if a final office action); and (b) the "Last Date to File", which is six months from the mailing date of the office action; (10) the user will be prompted to accept the dates; (11) after accepting the dates, the user then generates a letter to the client, notifying him of an office action; (12) the user then generates an amendment form for the patent agent to complete at a later date; (13) the employee makes two copies of the office action -- the original office action is sent to the client, one copy of the office action is hole-punched and placed in the incoming USPTO correspondence section of the file wrapper, and the other copy of the office action is placed in a working folder for the patent agent; (14) the employee then creates several labels for the patent agent's working folder indicating the following -- (a) our docket number for the case, (b) the two-month due date for the response to the office action, and (c) the three-month due date for the response to the office action; (15) the labels are placed on the front of the working folder and the copy of the office action is stamped with "COPY" on the front and placed in the working folder; (16) the employee gives the file wrapper to another employee who enters the following information into the shared "Patent Dept. Office Actions" task list in Microsoft Outlook -- the docket number, patent application title, client contact information, type of response needed, assigned patent agent initials, an indication of a "final" office action (if the office action is final), the due date, and the month of response for that due date; (17) the working folder and file wrapper are given to the appropriate patent secretary; (18) the patent secretary enters the due date on their personal desk or wall calendar; (19) the patent secretary enters the due date on the desk or wall calendar of the Assistant Manager of Administrative Services; and (20) finally, the working folder and file wrapper are given to the appropriate patent agent who will work on the response to the office action.

It is my opinion that I was adequately trained to perform the above-described duties.

However, around June 7, 2004, I received an office action on the above-referenced application,

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and I did not properly docket or input the information into Lacasse & Associates, LLC's case tracking software (CTS 5.0), which would have created a proper reminder to file a response to the office action mailed on June 7, 2004. I did not inform anyone at Lacasse & Associates, LLC about this error in docketing. Consequently, the above-referenced application became abandoned due to failure to respond to the office action of June 7, 2004.

Respectfully submitted,

  
Elizabeth A. Hein5/25/05  
Date